

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

S.M.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	Case No.: 7:20-CV-139 (WLS-TQL)
COMMISSIONER OF	:	
SOCIAL SECURITY,	:	
	:	
Respondent.	:	
	:	

ORDER

Presently before the Court is a “Recommendation” filed by United States Magistrate Judge Thomas Q. Langstaff on February 8, 2023. (Doc. 38.) Therein, Judge Langstaff recommends that Plaintiff’s Motion for Attorney Fees (Doc. 34) be granted in part and denied in part and that Plaintiff be awarded attorney fees under the Equal Access to Justice Act (“EAJA”) in the amount of \$17,199.81. (Doc. 38.)

While Plaintiff originally requested attorney fees in the amount of \$27,541.64, based on 124.1 hours of work, (Doc. 34), Judge Langstaff’s Recommendation correctly reduced Plaintiff’s Attorney Fee award to \$17,199.81. (Doc. 38.) The Recommendation correctly reduced Plaintiff’s fee award, because Plaintiff’s billing entries were too vague to allow this Court to assess the reasonableness of hours worked, there was significant overlap on briefing at the district court and appellate court levels, and Plaintiff’s Counsel in this instance, and on multiple prior occasions, has failed to comply with the Middle District of Georgia’s rate computation formula, despite repeated warnings that they would not be considered pled in good faith. (Doc. 38.) Plaintiff was also noticed of his right to object to the Recommendation. (Doc. 38 at 7.)

To date, no objection has been filed with this Court. Therefore, this Court reviews the Recommendation upon the record for clear error, and upon full review and consideration of the record, and finding neither plain error nor manifest injustice in Judge Langstaff’s

Recommendation, *see United States v. Aponte*, 461 F. App'x 828, 830 n.2 (11th Cir. 2012) this Court finds that the Recommendation (Doc. 38) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. It is hereby **ORDERED** that Plaintiff's Motion for Attorney Fees (Doc. 34) is **GRANTED-in-part and DENIED-in-part**. The Court awards to Plaintiff from the Defendant Commissioner \$17,199.81 in attorney's fees. Any payment shall be made payable to Plaintiff and delivered to Plaintiff's counsel unless Plaintiff does not owe a federal debt. If the United States Department of the Treasury determines that Plaintiff does not owe a federal debt, the government may accept Plaintiff's assignment of EAJA fees and pay fees directly to Plaintiff's counsel.

SO ORDERED, this 10th day of April 2023.

/s/ W. Louis Sands

W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT